

ARTICLE III

GENERAL PROVISIONS

SECTION

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3.010. Scope. For the purpose of the zoning ordinance, there shall be certain general provisions which shall apply, except as specifically noted, to the City as a whole.

3.020. Only one (1) principal building on any residential lot. Only one (1) principal building and its customary accessory buildings may hereafter be erected on any residential lot.

3.030. Lot must abut a public street or dedicated easement. No building shall be erected on a lot which does not abut at least one (1) publicly approved and accepted street for a distance of at least fifty (50) feet, or unless it abuts for at least thirty (30) feet on a street that has been shown on a final subdivision plat as approved by the Kingston Springs Planning Commission, or unless said lots abuts for at least fifty (50) feet on a permanently dedicated easement according to the following standards:

- (1) such easement shall be at least fifty (50) in width, and shall not be used to provide access to more than one (1) lot or tract of land.
- (2) no access to any lot fronting a public street shall be utilized as access to any other lot not having public street frontage by way of a publicly dedicated easement.

- (3) no easement shall exceed seven hundred (700) feet in length.
- (4) driveway on easement shall be constructed to minimize erosion or rapid deterioration.
- (5) the topography of the easement shall be kept to a minimum and must be able to provide true access to the property.
- (6) maintenance of the easement shall be the responsibility of the property owner(s).
- (7) all required utility easements shall be located outside the fifty (50) foot roadway easement.
- (8) any further subdividing on the easement shall require the development or building of a public road and meet all road standards and other requirements as stated in the Subdivision Regulations of Kingston Springs, Tennessee.

The above standards shall not be construed to prohibit the development of buildings on lots or tracts with permanent access provided by private ways when such development is in the form of condominium ownership of such private improvements which have been approved by the planning commission and will be in private ownership and control in perpetuity.

3.040. Rear yard abutting a public street. When the rear yard of a lot abuts a public street, all structures built in the rear yard shall observe the same setback from the street right-of-way line, center line of the street, or property line, as required for adjacent properties which front on that street. In addition, any structure located within twenty-five (25) feet of that setback line shall be no closer to any side property line than the distance required for side yards on adjoining properties fronting on that street.

3.050. Corner lots. The side yard setback requirements for corner lots shall be the same as the front setback requirements for the next adjacent lot fronting on the street that the side yard of the corner lot faces.

3.060. Future street lines. For the purpose of providing adequate space for the future widening of streets, required setbacks, or front yards shall be determined by the rights-of-way as shown on the most current official Kingston Springs, Tennessee Major Thoroughfare Plan.

3.070. Reduction in lot area prohibited. No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area so that its' yard, lot area per family, lot width, and building area requirements, or any other related or other requirements of the zoning ordinance are not maintained. This section shall not apply when a portion of a lot is acquired for a public purpose.

3.080. Obstruction to vision at street intersections and railroad intersections prohibited. On a corner lot in any district except the Central Business District, within the area formed by the center lines of the intersecting or intercepting streets and/or railroads and a line joining points on such center lines at a distance of seventy-five (75) feet from their intersection, there shall be no

obstruction to vision between the height of three and one-half (3 1/2) feet and a height of ten (10) feet above the average grade of each street and/or railroad at the center line thereof. The requirements of this section shall not be construed to prohibit any necessary retaining wall.

3.090. Access control. In order to promote the safety of the motorist and pedestrian and to minimize traffic congestion and conflict by reducing the points of contact, the following regulations shall apply:

- A. A point of access for vehicles onto a street shall not exceed thirty (30) feet in width for all residential uses. Such points of access shall not exceed thirty-five (35) feet for all retail and commercial services land uses. For industrial land uses a point of access for vehicles onto a street shall not exceed forty-five (45) feet in width. A minimum of an eighteen (18) inch culvert shall be provided in the ditch line.
- B. There shall be no more than one (1) point of access to any one (1) public street for lots with less than four hundred (400) feet of lot frontage. There shall be a maximum of two (2) points of access to any one (1) public street for lots with four hundred (400) or more feet of lot frontage. (Amended by Ordinance 05-009, June 16, 2005)
- C. No point of access shall be allowed within twenty-five (25) feet of the right-of-way line of any public intersection. On collectors or arterials this minimum shall be forty (40) feet.
- D. No curbs on city streets or right-of-way shall be cut or altered without written approval of the City Manager, and if a state highway, a permit must also be obtained from the Tennessee Department of Transportation.
- E. Where two driveways are provided for one lot frontage, the clear distance between the driveways shall not be less than twenty-five (25) feet.
- F. Cases requiring variances relative to the above provisions due to topographic limitations shall be heard and acted upon by the Board of Zoning Appeals, provided, further, that no curb cuts for off-street automobile storage or parking spaces shall be permitted where the arrangement would require that vehicles back directly onto a public street.

3.100. Accessory use regulations. The use of land, buildings, and other structures permitted in each of the districts established by this ordinance are designed by listing the principal uses. In addition to such principal uses, accessory uses which are customarily incidental to the permitted uses are also permitted in each district. Each accessory use shall:

- A. Be customarily incidental to the principal use established on the same lot.
- B. Be subordinate to and serve such principal use.

- C. Be subordinate in area, intent, and purpose to such principal use.
- D. Contribute to the comfort, convenience, or necessity of users of such principal use.
- E. Total accessory uses in residential areas shall be limited in their size. An accessory use on any lot shall be limited to no more than one-half the size of its principal use on such lot.
- F. No accessory building or structure shall be located closer than ten (10) feet from any adjoining property line. See Sections 3.040 and 3.050 for other related setback requirements.

3.110. Buffer strips. Where a use is established in areas zoned nonresidential (C-1, C-2, C-3, I-1 and I-2) which abuts at any point upon property zoned residential (R-1, R-2, and R-3), or whenever a planned unit development is established in any zoning district, the developer of said use shall provide a buffer strip as defined herein at the point of abutment to the adjacent residential use. Furthermore, there shall be installed around the rear and sides of all drive-in restaurants, a four (4) foot metal, mesh fence, or wall or appropriate type designed to confine any litter or trash that may be generated on the site, unless peculiar conditions deem otherwise as determined by the Board of Zoning Appeals.

3.120. Plot plan requirements.

- A. Five (5) copies of proposals for the construction or location of one (1) or more principal structures on a lot (with the exception of single-family and two-family dwellings), shall be submitted to City Hall no later than thirty (30) days prior to the upcoming Planning Commission meeting at a scale no smaller than 1"-100', showing contours at five (5) foot intervals; required automobile storage areas; servicing utilities with reference to location, availability, compatibility, and related easements; a graphic cross-section of any on-site paving that is required; fire hydrants; loading and unloading spaces; maneuvering areas; openings for ingress and egress to public streets; a graphic cross-section of any on-site paving as required; the location of the centerline, right(s)-of-way, and edge of pavement of existing public streets, as well as the location of existing curbing when applicable; a proposed drainage plan as per the city's Stormwater Management Ordinance; the density of development or the required open space; landscape treatment (the location of all on-site landscaping as well as a tabular listing of the type and number of landscaping in relation to the total paved on-site square footage); the number of dwelling units per acre if applicable; and all required building setbacks and other yard requirements.
- B. Proposals for mobile home parks shall follow separate provisions outlined in Article IV, Section 4.080.
- C. The above applications must be supported by any other information or data as might be deemed necessary by the Kingston Springs Municipal Planning Commission.

- D. All plot plans shall be prepared and stamped by an individual licensed and certified by the State of Tennessee to perform such design service as is required above.
- E. Performance bonds for plot plans shall be provided according to the following provisions:
 - 1. All plot plans presented for review and approval to the Kingston Springs Municipal Planning Commission shall present the planning commission a performance bond for improvements shown on the site in the amount of one hundred and twenty (120) percent of cost of said improvements.
 - 2. Said improvements shown on the plot plan may include, but are not limited to, existing road improvements, buffer strips, proposed road construction, parking aisles, parking spaces, driveways, sewer and water extensions or connections, tiles, culverts, drainageways including catch basins, or any other improvements required by the planning commission before the plot plan is approved.
 - 3. The performance bond must be payable to the Kingston Springs Mayor and Board of Commissioners.
 - 4. The performance bond must be retained for a period of one year from the approval date of the plot plan. If improvements have been made within the one year period, the Mayor and Board of Commissioners may release the bond after the inspection of all required improvements, and approval of those improvements by the planning commission, or its authorized representative. If improvements have not been installed in a satisfactory manner, the Mayor and Board of Commissioners of the Town of Kingston Springs shall retain and cash the performance bond to facilities the completion of such improvements.
 - 5. Be it further ordained that this Ordinance shall take effect immediately after its passage and publication as provided by the Kingston Springs Municipal Code, the public welfare requiring it.

3.130. Solar orientation. Solar orientation devices shall be subject to the setback affecting dwellings, buildings, and other major improvements. The use of solar/energy devices for the purpose of providing energy is a permitted use within all zones, either as a part of the structure, or an independent structure. In order to maximize solar access, whenever possible the development should place highest densities on south facing slopes. Furthermore, all streets should be oriented on an east/west axis to the greatest possible extent in order that all lots be oriented with their greatest dimension on a north/south axis. Whenever possible, lot orientation from the north/south axis should vary no more than 20 degrees from the north/south axis. There shall be no solar device between the front yard setback line and the principal structure.

3.140. Performance standards.

- A. Purpose and Intent. The purpose of this section is to establish regulations and standards for the installation and operation of industrial, commercial, residential, and other public and semi-public uses, based upon consideration of the objectionable characteristics of such uses and the districts in which they are permitted.

In all districts, as indicated in each respective district, any permitted use or any conditional use and every building or structure or tract of land that is established, developed, or constructed shall comply with each and every performance standard contained herein.

When any use or building or other structure is extended, enlarged, or reconstructed after the effective date of this ordinance, the applicable performance standards shall apply to such extended, enlarged, or reconstructed portion or portions of such use of building or other structure.

The provisions of this section shall apply notwithstanding the issuance after the effective date of this ordinance of any building permit or use and occupancy permit.

Performance standards are not applicable to the temporary construction, excavation, grading and demolition activities which are necessary and incidental to the development of facilities on the same zone lot, on another of several zone lots being developed at the time, or on the public right-of-way or easement for a public or semi-public facility.

In the case of any conflict between the type of land use involved and the performance standards, the latter shall control. In the case of any conflict between the performance standards set forth herein and any rules and regulations adopted by other governmental agencies, the more restrictive shall apply.

- B. Performance Standard Regulations

The following performance standard regulations shall apply to all uses of property as indicated in each respective district:

1. Prohibition of Dangerous or Objectionable Elements

No land or building in any district shall be used or occupied in any manner so as to create any dangerous, injurious, noxious, or otherwise objectionable fire, explosive, or other hazard; noise or vibration, smoke, dust, odor, or other form of air pollution; heat, cold, dampness, electrical, or other disturbance; glare; liquid or solid refuse or wastes; or other substance, condition, or element in such a manner or in such amount as to adversely effect the surrounding area of adjoining premises (referred to herein as

"dangerous or objectionable elements"); provided, that any use permitted or not expressly prohibited by this ordinance may be undertaken and maintained if it conforms to the regulations of this section limiting dangerous and objectionable elements at the point of the determination of their existence.

2. Performance Standards Regulating Noise

(a) Definitions

For the purpose of this article, the following terms shall apply:

- (1) Decibel: a unit of intensity of sound pressure. The decibel scale is a logarithmic scale of ratios of pressure with respect to a reference pressure of 0.00002 microbars. It is abbreviated as DB.
- (2) Frequency: the number of times that a sound pressure fluctuation completely repeats itself in one second of time. Frequency is designated in cycles per second and is abbreviated c.p.s.
- (3) Impact Noise Analyzer: an instrument to measure the peak sound pressure of an impact sound.
- (4) Impact Sound: a sound produced by two or more objects (or parts of a machine) striking each other, so as to be heard as separate distinct noises.
- (5) Noise: a subjective description of an undesirable or unwanted sound.
- (6) Octave Band: a band of frequencies in which the upper limit of the band is twice the lower limit.

Preferred Frequency Octave Band: these octave bands are replacing the pre-1960 octave bands. The Preferred Frequency Bands are designated by a single number which corresponds to their geometric center frequency. Nine octave bands cover the entire range of frequencies of interest of industrial noise and are described in United States America Standard Institute (USASI) Standard Number SI.6-1960.

- (7) Octave Band Analyzer: an instrument to measure octave band composition of a noise by means of bandpass filters. It shall meet all requirements of the USASI and shall be calibrated for use with Preferred Frequencies.

- (8) Overall Sound Level: total sound pressure level in the entire frequency spectrum between 20 and 20,000 c.p.s.
- (9) Sound: rapid fluctuations of atmospheric pressure which are audible to persons.
- (10) Sound Level Meter: an instrument to measure the overall sound level. It shall comply with applicable specifications of the USASI.
- (11) Steady State: a noise or vibration which is continuous such as from a fan or compressor.

(b) Method of Measurement

For the purpose of measuring the intensity or frequency of sound, the sound level meter, octave band analyzer, and the impact analyzer shall be employed. The instruments to be used for these noise measurements shall conform to all current applicable USASI standards. During these measurements, the instruments shall be set on the "C" weighting scale with the meter set for slow response.

Impact noises shall be measured on a commercially available impact noise analyzer.

(c) Maximum Permitted Sound Levels

The maximum permitted sound pressure levels in decibels across zone lot lines and district boundaries shall be in accordance with the following tables:

3. Performance Standards Regulating Vibration

No vibration other than from a temporary construction operation or a transportation facility shall be permitted which is discernible without instruments at the zone lot line of the zone lot on which the vibration source is situated.

For purposes of this section, vibration shall include the type of vibration which is a reciprocating movement transmitted through the earth and impact vibration produced by two or more objects (or parts of a machine) striking each other.

TABLE I

<u>Zone</u>	<u>Adjacent Zone Lot Line</u>	<u>Adjacent District Boundary</u>	<u>Residential District Boundary</u>
I-1	C	B*	A
I-2	-	B	A
C-3	A	A	A
C-1	B	B	A
C-2	B	B	A

*Except at I-2 Boundary where C applies.

TABLE II

Preferred Frequency Octave Bands

<u>Preferred Center Freq. -Cycles/Sec.</u>	A	B	C
31.5	69dB	78dB	82dB
63	69	78	82
125	58	73	76
250	52	67	70
500	46	61	64
1000	43	56	59
2000	39	50	53
4000	36	44	47
8000	33	39	42

For impact noise levels, the values in the following table shall apply. For purposes of this ordinance, impact noise shall be considered to be those noises whose peak values are more than 3dB higher than the values indicated on the sound level meter.

TABLE III

Overall	A	B	C
Impact	<u>76dB</u>	<u>85dB</u>	<u>95dB</u>

Between the hours of 7:00 p.m. and 7:00 a.m., all of the permissible noise levels indicated in the previous tables for residential district boundaries shall be reduced by 5dB.

Noises not directly attributable to an activity located on the zone lot are excluded from the above limitations (such as from independent transportation facilities).

4. Performance Standards Regulating Smoke, Gases, Dust, and Particulate Matter

(a) Definitions

- (1) Particulate Matter: matter, other than combined water, which is suspended in air and other gases, in a finely divided form, as a liquid or solid at standard conditions.
- (2) Ringlemann Number: the shade of gray which appears on the chart published and described in the U.S. Bureau of Mines Information Circular 7718, for use in measuring the shades and density of air contaminants arising from stacks, chimneys, and other sources.
- (3) Smoke: small gas-borne or airborne particles resulting from combustion operations, and consisting of carbon and ash and other matter present in sufficient quantity to be observable.

(b) Smoke

No emission shall be permitted at any point from any stack, chimney, or other source or smoke of visible effluent of a shade equal to or darker than Ringlemann No. 1, except as provided below:

Within the I-1 Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2, may be permitted for six (6) minutes in any four (4) hour period.

Within the I-1 Districts, the emission of smoke or visible effluent of a shade equal to Ringlemann No. 2, may be permitted for six (6) minutes in any four (4) hour period.

Within the I-2 Districts, the emission of smoke or visible effluent of a shade equal to or darker than Ringlemann No. 2, shall not be permitted, except that visible gray smoke of a shade equal to Ringlemann No. 3, may be permitted for three (3) minutes in any one (1) hour period.

(c) Gases, Dust, and Particulate Matter

No emission shall be permitted from any stack, chimney, or other source of any solid or liquid particles in concentrations exceeding 0.30 grains per cubic foot of the conveying gas at any point. For measurement of the amount of particles in gases resulting from combustion, standard correction shall be applied to a stack

temperature of 500 degrees Fahrenheit and 50 percent excess air. In no case shall any emission be permitted which will cause any damage to health, animals, vegetation, or other forms of property or which can cause soiling at any point beyond the zone lot line on which the source is situated.

5. Performance Standards Regulating Odors

(a) Definitions

- (1) Odorous Matter: solid, liquid, or gaseous material which produces an olfactory response in a human being.
- (2) Odor Threshold Concentration: the lowest concentration of odorous matter which will produce an olfactory response in a human being.

(b) Emission of Odorous Matter

Within the I-1 and I-2 Districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the district boundary of any residential or commercial district.

Within all other districts, odorous matter released from any operation or activity shall not exceed the odor threshold concentration beyond the zone lot line.

6. Performance Standards Regulating Toxic Matter

(a) Definitions

- (1) Threshold Limit Values: the maximum allowable concentration permitted an industrial worker for eight (8) hours exposure per day, five (5) days a week as adopted by the American Conference of Governmental Industrial Hygienists.
- (2) Toxic Matter: materials which are capable of causing injury to living organisms by chemical means when present in relatively small amounts.

(b) Methods of Measurement

The measurement of toxic matter shall be at ground level or habitable elevation at the zone lot line and shall be the average of a 24 hour sample.

(c) Emission of Toxic Matter

Within all industrial districts, the release of toxic matter shall not exceed one-thirtieth (1/30) of the threshold limit value. Within all other districts, the release of any toxic matter is prohibited.

7. Performance Standards Regulating Fire and Explosive Hazards

(a) Definitions

Active to intense burning: A rate of combustion described by material that burns with a high degree of activity and is consumed rapidly. Examples include sawdust, powdered magnesium, pyroxylin, and other solids deemed by the fire chief to have equivalent burning characteristics.

Detonable materials: Materials which decompose by detonation. Such materials include explosive, unstable compounds, and fissionable matter.

Flash point: The lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

SCF (standard cubic feet): Which is the measure of the volume of a gas reduced to sixty (60) Degrees Fahrenheit and 29.92" mercury, absolute.

(b) Detonable Materials

- (1) Activities involving the storage, utilization, or manufacture of materials or products which decompose by detonation shall be in accordance with the regulations of each industrial district and the rules and regulations of the State Fire Marshal. Such materials shall include but are not limited to: All primary explosives such as lead azide, lead styphnate, fulminates and tetracene; all high explosives such as TNT, RDX, HMX, TETN, and picric acid; propellants and components thereof, such as dry nitrocellulose, black powder, boron hydrides, hydrazine and its derivatives; pyrotechnics and fireworks such as acetylides, tetrazoles and ozonides; strong oxidizing agents such as perchloric acid, perchlorates, and peroxide in concentrations greater than thirty-five (35) percent; and nuclear fuels, fissionable materials and products, and reactor elements such as Uranium 235 and Plutonium 239.

(2) Explosive Materials

Activities involving the storage, utilization, or manufacture of products or materials which decompose by detonation shall be provided with adequate fire-fighting and suppression equipment and devices standard to the activity involved. Where detonable materials are permitted, these materials shall be handled in accordance with the National Fire Code.

- (3) Within the I-2 Districts, the storage and utilization (but not manufacture) of detonable materials in excess of five (5) pounds is permitted, in accordance with applicable state and local regulations. The storage of such materials in all other districts is prohibited.

(c) Fire Hazard Solids

Within all industrial districts, the storage, utilization, or manufacture of solid materials which are free or active to intense burning may be permitted but shall be conducted within spaces having fire restrictive construction of no less than two (2) hours and protected with an automatic fire extinguishing system. Outdoor storage of such materials shall be no less than forty (40) feet from all zone lot lines. The storage or manufacture of such materials in all other districts is prohibited.

(d) Fire Hazard Liquids and Gases

In all industrial districts, the storage, utilization, or manufacture of flammable liquids or gases which produce flammable or explosive vapors shall be permitted only in accordance with this section, exclusive of the storage of finished products in original sealed containers of 55 gallons or less. Such finished products shall be stored in fire-resistive and fire-protected areas, or if stored outdoors, no closer than forty (40) feet from all zone lot lines.

The total storage capacity of flammable liquids and gases shall not exceed those quantities permitted in Table IV and Table V, that follow for each industrial district. The storage of such materials in all other districts is prohibited.

8. Performance Standards Regulating Glare and Electromagnetic Interference

(a) Definitions

Foot Candle: A unit of illumination. Technically the illumination at all points one (1) foot distance from a uniform point source of one (1) candlepower.

TABLE IV
STORAGE CAPACITY OF FLAMMABLE LIQUIDS

<u>District</u>	<u>Above Ground Flash Point</u> <u>Degrees Fahrenheit</u>		<u>Below Ground Flash Point,</u> <u>Degrees Fahrenheit</u>	
	<u>125</u>	<u>125-300</u>	<u>125-300</u>	<u>Less than</u>
I-1	10,000 gal.	40,000 gal.	20,000 gal.	80,000 gal.
I-2	Unlimited except that within 300 feet of a district boundary no more than 50,000 gallons per acre within such distance shall be permitted.		Unlimited	

Note: Flash point is defined as the lowest temperature at which a flammable liquid will momentarily burn under prescribed conditions. The tag open cup tester shall be authoritative.

TABLE V
STORAGE CAPACITY OF GASES

<u>District</u>	<u>Above Ground</u> <u>Below Ground</u>	
I-1	300,000 SCF	600,000 SCG
I-2	Unlimited except that within 300 feet of a district boundary no more than 1,500,000 SCF per acre within such distance shall be permitted.	

Note: SCF is defined as standard cubic feet which is the measure of the volume of a gas reduced to 60 Degrees Fahrenheit and 29.92" mercury, absolute.

(b) Limitation of Glare

In all districts, any operation or activity producing glare shall be conducted so that direct and indirect light from the source shall not cause illumination in excess of 0.5 foot candles when measured from any residential district.

(c) Electromagnetic Interference

In all districts, no operations or activities shall be conducted which cause electrical disturbances to be transmitted across zone lot lines.

9. Performance Standards Regulating Radioactive Materials

The manufacture, storage, and utilization of radioactive materials shall be prohibited except for use as a part of medical practice, and facilities for such use shall be in accordance with the state regulations.

10. Nonconforming Uses by Reason of Performance Standards

Any use existing on the effective date of this ordinance, or subsequent amendment as applicable, and permitted by right that does not meet the requirements of one or more of the performance standards established explicitly in this section or by reference shall be subject to the nonconforming use provisions of Section 6.020, of Article VI, herein.

3.150. Landscape Treatment Regulations.

- A. Purpose and Intent. The purpose and intent of this section is to preserve and promote the health, safety, and general welfare of the public; to facilitate the creation of a convenient, attractive, and harmonious community; to conserve properties and their values; and to preserve the character of an area by preventing the harmful effects of prejudicial land uses. More specifically, this section is intended to require the landscaping of parking lots in order to reduce the harmful effects of wind and air turbulence, heat and noise, the glare of motor vehicle lights, the level of carbon dioxide in the atmosphere, and soil erosion, while providing shade, and enhancing the blighted appearance of parking lots.
- B. Applicability. The provisions of this section shall apply to all developments within the Town of Kingston Springs as follows:

1. New Sites

No new site development, building or structure shall hereafter be constructed or vehicular use area* created or utilized unless landscaping as required by the provisions of this section is provided.

2. Change of Use

No use shall be changed to another use for which the zoning ordinance requires additional parking over and above that required for the previous use, unless vehicular use area landscaping as required by this section is provided for such additional parking. The provisions of this section shall be effective regardless of whether or not new construction is necessary to meet the expanded parking requirements for the new uses.

- C. Definitions. All plant materials utilized under the provisions of this section shall be living plants (artificial plants are prohibited) and shall fall under the scope of the following definitions:

QUALITY - Plant materials used in conformance with the provisions of this ordinance shall conform to the standards of the American Association of Nurserymen and shall have passed any inspections required under State regulations. Bare root plants, with exception of shrubs and hedges, vines and ground covers shall be prohibited.

DECIDUOUS TREES - (Trees which normally shed their leaves in the fall) - Shall be species having an average mature crown spread of greater than fifteen (15) feet, and having trunk(s) which can be maintained with over five (5) feet of clear wood in areas which have visibility requirements. Trees having an average mature spread of crown less than fifteen (15) feet may be substituted by grouping of the same so as to create the equivalent of a fifteen (15) foot crown spread. A minimum of ten (10) feet overall height or a minimum caliper (trunk diameter, measured six (6) inches above the ground for trees up to four (4) inches caliper) of at least one and three fourths (1 3/4) inches immediately after planting shall be required. Trees of species whose roots are known to cause damage to public roadways or other public works shall not be planted closer than fifteen (15) feet to such public works, unless the tree root system is completely contained within a barrier for which the minimum interior container dimensions shall be five (5) feet deep and for which the construction requirements shall be four (4) inches thick, reinforced concrete.

***Vehicular use area as used in this ordinance shall mean any ground surface area except public rights-of-way, used by any type vehicle whether moving or at rest for the purpose of driving, parking, loading, storage or display (automotive sale lots). Also included are activities of a drive-in nature in connection with banks, restaurants, filling stations, grocery stores, etc.**

EVERGREEN TREES - Evergreen trees shall be a minimum of six (6) feet high.

SHRUBS AND HEDGES - Shrubs and hedges shall be at least two (2) feet in average height with three (3) canes when installed. All plants shall conform to opacity, mature height, and other requirements within four (4) years after the date of final approval of each planting or replanting. Privet, ligustrum species cannot meet the opacity requirements and may not be used to satisfy the requirement of this section. The height of the planting shall be measured from the level of the vehicular use area at the edge closest to the screening.

VINES - Vines shall be at least twelve (12) inches high at planting, and are to be generally used in conjunction with walls or fences.

GRASS OR GROUND COVER - Grass of the fescus (Festuca) or Bluegrass (Poaceae) family shall be planted in species normally grown in Kingston Springs as permanent lawns, and may be sodded, plugged, sprigged, or seeded; except in swales or other areas subject to erosion, where solid sod, erosion reducing net, or suitable mulch shall be used, nurse-grass seed shall be sown for immediate protection until complete coverage otherwise is achieved. Grass sod shall be clean and free of weeds and noxious pests or diseases. Ground cover such as organic material shall be planted in such a manner as to present a finished appearance and have seventy-five (75) percent of complete coverage after two (2) complete growing seasons. In certain cases, ground cover also may consist of rocks, pebbles, sand, and similar materials, if approved by the planning commission, or the board of zoning appeals wherever additional parking is required by any application for a special exception.

D. Existing Landscaping Material

Existing landscape material which is proposed to be used to fulfill landscape requirements shall be shown on the required plan, and any material in satisfactory condition may be used to satisfy these requirements in whole or in part when, in the opinion of the enforcing officer such material meets the requirements and achieves the objectives of this article. Existing healthy trees may be substituted for trees required for vehicular use property or for interior landscaping by using the following criteria: a six (6) inch to twelve (12) inch caliper tree surrounded by a minimum of one hundred fifty (150) square feet of landscape area may be substituted for two (2) new trees of the required minimum size; a twelve (12) inch to twenty-four (24) inch caliper tree surrounded by a minimum of two hundred fifty (250) square feet of landscape area may be substituted for three (3) new trees of the required minimum size; a twenty-four (24) inch or greater caliper tree surrounded by a minimum of three hundred (300) square feet of landscape area may be substituted for four (4) trees of the required minimum size.

E. Minimum and Maximum Area Standards

The following general and specific area standards shall be met:

1. General Standard

Sites should not be completely covered with impereable surfaces which prevent percolation back into the soil, and can cause erosion, street flooding, and/or overloading of storm sewer systems, a minimum of fifteen (15) percent of the site, or zone lot shall be devoted to permeable surfaces, with ten (10) percent of the sites vehicular use area being devoted to landscaping.

2. Specific Standards

a. Area

The minimum individual landscaped area permitted shall be sixty-four (64) square feet, with a four (4) foot minimum dimension to all trees from the edge of the pavement. In order to encourage the required landscape areas to be properly dispersed, no required landscape area shall be larger than three hundred-fifty (350) square feet in vehicular use areas under thirty thousand (30,000) square feet in size, and no required area shall be larger than fifteen hundred (1,500) square feet in vehicular use areas over thirty thousand (30,000) square feet. In both cases, the least dimension of any required area shall be four (4) feet minimum dimension to all trees from edge of pavement where there is a vehicle overhang.

b. Trees

A minimum of one (1) tree shall be required for each two hundred-fifty (250) square feet or fraction thereof of required landscaped area. Trees shall have a clear trunk of at least five (5) feet above the ground. The remaining area shall be landscaped with shrubs, or ground cover, not to exceed two (2) feet in height.

c. Shrubs

A minimum of four (4) shrubs shall be required for each required tree as mandated in b. above.

F. Landscape Treatment Plan

Four (4) copies of a landscape treatment plan as required by this section shall be prepared at a scale no smaller than 1"=100' showing the location of all landscaped areas, the specific nature of the existing and proposed landscaping, parking aisles, individual parking areas, ingress and egress points, existing and proposed utilities as

well as their easements, dimensions of the lot, the topography of the lot, storm water drainage characteristics, the location of fire hydrants, any applicable buildings, and building setback lines. The landscape treatment plan shall be a portion of the plot plan whenever it is required by this Article.

The landscape treatment plan shall be submitted to City Hall no later than fifteen (15) days prior to the planning commission meeting, or Board of Zoning Appeals meeting in the case of all special exceptions.

G. Enforcement

The provisions of this subsection shall be jointly and severally used to assure performance of this section.

1. Agreement And Surety

An agreement in the form of a legally binding contract between the developer and the Town of Kingston Springs specifying the manner and the date by which the landscaping, as shown on approved plans, is to be installed shall be developed for each project. The agreement shall be secured by a letter of credit made payable to the town in an amount equal to the estimated cost of the landscaping plus fifteen (15) percent. In the event of the failure of the developer to perform the work specified in the plan, the town shall call the Letter of Credit and arrange to have the work accomplished.

2. Building Permit and Certificate of Occupancy

Where landscaping is required under the provisions of this section, no building permit shall be issued until the required landscape plan has been submitted and approved by the planning commission, whenever changes of use or plot plans are involved, or by the board of zoning appeals when landscaping pertains to special exceptions. In no case shall any certificate of occupancy be issued until the landscaping is certified as having been installed, or either a letter of credit is received to guarantee such installation.

H. Maintenance

All landscaping materials shall be installed in a sound, workmanship like manner, and according to accepted, good construction and planting procedures. Any landscape material which fails to meet the minimum requirements of this section at the time of installation shall be removed and replaced with acceptable materials. The person in charge of or in control of the property whether as owner, lessee, tenant, occupant, or otherwise, shall be responsible for the continued proper maintenance of all landscaping materials, and shall keep them in a proper, neat, and orderly appearance, free from refuse and debris, at all times. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting period,

whichever comes first; while other defective landscape material shall be replaced or repaired within three (3) months. Topping trees or the severe cutting of limbs to stubs larger than three (3)

inches in diameter within the tree crown to such a degree as to remove the normal canopy shall not be considered proper or permitted for the maintenance of trees as required by this section.

3.160. Minimum Design Standards for Transmission and Communications Towers and Stations. It is the intent of this Section to avoid potential damage to property caused by Towers and Telecommunications Facilities by ensuring STRUCTURES are soundly and carefully designed, constructed, modified, and maintained, while ensuring such Towers are compatible with surrounding land uses. The purpose of this Section is also to promote and encourage shared use/collocation of such Towers and Antenna Support Structures as a primary option, rather than construction of additional single-use Towers.

3.160.A. Standards for Telephone, Telegraph and Communications Transmitter Stations and Towers. All transmitter stations, including towers and operating equipment located within Kingston Springs shall adhere to the following standards:

1. All towers with a height of one hundred fifty (150) feet (from the base to top) or more shall be constructed in accordance with Electronic Industries Association ("EIA") standard 222E-1996 utilizing a wind rating of eighty miles per hour (90 MPH) plus ice loading for Kingston Springs, Tennessee.
2. All towers shall be set back from all property lines and leasehold lines by a distance that is equal to:
 - (a) for a guyed tower, twenty percent (20%) of the height, and
 - (b) for a self supporting tower, fifty percent (50%) of the height.
3. No building or equipment in connection with transmitter stations and towers shall be located nearer than fifty (50) feet to any leasehold line and property.
4. All such towers adjacent to any residential zoning district shall be screened (buffered). Such screening shall be OPAQUE in a two year period, and shall be no less than required in the definition of a buffer strip, herein. A chain link fence that is no less than six (6) feet in HEIGHT shall be installed adjacent to this planted buffer strip.
5. All telecommunications towers must be completely surrounded by at least a six (6) foot chain link fence.

3.160.B. Application Requirements. An application to develop a transmission and communications tower shall include as a minimum the following:

1. All information cited in Section 3.120 of this ordinance, which is deemed as being applicable by the Planning Commission.
2. A "Determination of No Hazard" from the Federal Aviation Administration, as well as all required Federal Communications Commission permit information.

3. Documentation that any applicable leasehold is no less than 50 years in duration.
4. The names, addresses, and telephone numbers of all owners of other Communications/Transmission Towers or useable antenna support structures within a one half (1/2) mile radius of the proposed new Tower site, including city-owned property.
5. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunication's FACILITIES on city-owned Towers or useable Antenna Support Structures located within a one-half (1/2) mile radius of the proposed Tower site.
6. An affidavit attesting to the fact that the applicant made diligent, but unsuccessful, efforts to install or collocate the applicant's Telecommunications Facilities on Towers or useable Antenna Support Structures owned by other persons located within a one-half (1/2) mile radius of the proposed Tower site.
7. Written technical evidence from an engineer(s) that the proposed Tower or Telecommunications Facilities cannot be installed or collocated on another person's Tower or useable Antenna Support Structures owned by other persons located within one-half (1/2) mile radius of the proposed Tower site.